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SUBJECT: RIGHTS REPORT SHOWS DETENTIONS RISE WHILE NUMBER
OF POLITICAL PRISONERS DROPS

Classified By: COM: Jonathan Farrar For reasons 1.4 b/d

11. (C) Summary. On August 12, the Cuban Commission for Human Rights and National Reconciliation (CCHNR) released its report for the first six months of 2008. This is the most thoroughly researched of any report done within Cuba about the conditions of political prisoners on the island. The report shows the number of political prisoners dropping slightly from 234 to 219 since January 2008. Beyond the fact that the GOC allows no independent monitoring of its prison system, there are many difficulties in the task of counting Cuba's political prisoners. There are very large differences in the methods employed by the various human rights groups. CCHNR believes that in the last year the GOC has increased repression but now avoids political trials and the issuing of long sentences. Instead it effectively crushes dissent through the use of surveillance and short term detentions. The CCHNR believes the GOC has successfully sent out "false signals" to many members of the international community that the human rights situation has improved. End summary.

12. (C) Elizardo Sanchez, the director of the Cuban Commission for Human Rights and National Reconciliation (CCHNR), readily acknowledges that it is impossible to come up with an exact number of Cuba's political prisoners because the GOC allows no independent national or international organization to have access to its massive system of jails, penitentiaries and work camps. However, in the report for the first six months of 2008, released on August 12, CCHNR shows the number of political prisoners fell to 219 from the 234 listed in the report for January 2008. Another Cuban based organization, the Council of Human Rights of Cuba, run by Margarito Broche and Juan Carlos Leyva, which typically does not scrutinize information as closely as CCHNR, in its annual report released July 22, 2008 came up with the even lower figure of 168 political prisoners currently incarcerated. Almost all of the releases that occurred were due to the fact that the person served the entire sentence.

13. (C) Sanchez told pol off of the many difficulties in counting Cuba's political prisoners. Other than the 67 prisoners, 10 of whom are out on conditional release, that Amnesty International has adopted as prisoners of conscience, there is no general agreement on who should be considered a political prisoner. CCHNR's most controversial decision is to include people convicted of either illegal possession of arms or plotting violent acts. This constitutes about 5% of the prisoners on CCHNR's list. These convictions date back

to the 1990's and earlier and include, for example, a Salvadoran convicted in a series of hotel bombings that killed an Italian tourist.

14. (C) Sanchez cautioned that nearly all of the people on the list who were convicted of terrorism had nothing to do with violent acts. He gave as an example several people from Pinar del Rio convicted for terrorism who were only caught trying to swim out to a boat in order to escape to the US. Sanchez also said that CCHRRNR investigates many cases where the people claimed that, although they were convicted of a crime not considered a political offense, Cuban authorities fabricated the charges for political reasons. Sanchez said that it is very difficult to substantiate such claims. This is especially difficult with the estimated 5000 to 10,000 Cubans in jail for petty economic crimes such as unauthorized street vending or picking things out of the trash. Most people just receive fines in such cases, and prosecutions are obviously selective, but it is very difficult to prove that a specific case was politically motivated. Included on the list are several people convicted of attempted illegal departure from the country who received disproportionate sentences of up to 12 years. CCHRRNR believes that these long sentences were politically motivated.

14. (C) Another issue is the estimated 4000 to 5000 people serving time under the law of "dangerousness". This law allows sentences of up to four years on a judgment that a person has the capacity to commit a crime or an anti-social act. No proof is required beyond a declaration by the local chief of police. The trial is a summary judgment rendered quickly and the defendant is not allowed legal representation

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during the proceeding. Although these persons are innocent of any specific crime, CCHRRNR does not list such cases as political prisoners unless the person is a member of a recognized opposition organization. The majority of those convicted under this statute are not politically involved. A typical case is a youth who refuses to work because of the low salaries, or someone who has mouthed off to a local police chief or to a member of the local Committee for the Defense of the Revolution. Therefore, it is often a "crime" of attitude rather than opinion. Sanchez stated that the law is increasingly used against dissidents, so that a person who does something like write "Down with Castro", is now typically charged with "dangerousness." In the past, they were charged with offenses, such as disrespect for the national leaders, that carried much heavier penalties,

15. (C) Sanchez said that in terms of suppressing dissent and silencing protests, repression has actually gone up considerably. However, the government has changed tactics and avoids political trials and condemning persons to lengthy prison terms. He stated that surveillance and the arbitrary searches of homes and persons in the street has increased greatly. However, the government relies on short term detentions where typically a person is held for a few hours or a few days to prevent the attendance at a protest or a meeting, and then is released without charges. He stated that in the first six months of 2008, the CCHRRNR documented 640 such detentions, already close the double the number recorded for all of 2007. Sanchez believes that the number is higher because it doesn't include a lot of cases where the police took persons into custody and then immediately drove them to their homes.

16. (C) Comment: Sanchez said that in his opinion the GOC has been very successful at sending "false signals" to the countries that the GOC wishes to placate on the issue of human rights. In Sanchez's opinion, these are the EU, Mexico and Brazil. He said that as long as the number of political prisoners dwindles, these countries are going to view that there have been "improvements". Sanchez feels that the complete suppression of basic liberties is not going to attract much condemnation, as long as it is done by means other than

heavily publicized political trials and long sentences. Sanchez also thinks that the GOC is cynically thinking that there will soon be achieved a "tolerable " number of political prisoners so that if the above named countries express objections, it will be very mild objections. Cuban dissidents are struggling with the problem of convincing the international community that the human rights situation is not improving, but in fact in some ways is worsening.

FARRAR